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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,564	05/07/2007	Dirk Salmon	H0075.70115US00	8565
23628 7590 01/26/2009 WOLF GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206				
EXAMINER				
COOLMAN, VAUGHN				
ART UNIT		PAPER NUMBER		
3618				
MAIL DATE		DELIVERY MODE		
01/26/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/590,564

Applicant(s)

SALMON, DIRK

Examiner

VAUGHN T. COOLMAN

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 20070108
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the single motor and single transmission being linked to the fixed wheels of the cart of claim 7 and the stand being integrated in the base of claim 11 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujiwara et al (U.S. Patent No. 5,746,282).

[claim 1] Fujiwara discloses a cart (10) including:

a base (1);

at least three wheels (2, 3) mounted to the base;

a structure (FIG 48), arranged over the base, inherently capable of receiving cleaning utensils;

a handle (4); and

at least one electric motor (6a, 6b) functionally linked to a transmission ("associated gear train" not shown) and acting upon at least one of the wheels, the motor being arranged on the underside of the base.

[claim 4] Fujiwara further shows at least three wheels comprises four wheels arranged under the base, with two wheels being fixed and two wheels being steerable.

[claim 5] Fujiwara further shows the fixed wheels are arranged approximately at a center of the cart in the region of side edges of the base and one movable wheel is arranged centrally in each of a front edge region and a rear edge region of the base when seen in the driving direction.

[**claim 6**] Fujiwara further shows the at least one electric motor comprises two electric motors, each functionally linked with a fixed wheel via a transmission, and each arranged approximately at the center of the base.

[**claim 7**] Fujiwara further discloses at least one electric motor, being arranged approximately at a center of the base, and wherein the motor is functionally linked to the fixed wheels via a transmission having differential.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara in view of Andreen (WO 95/20514).

[**claim 2**] Fujiwara discloses all of the elements of the claimed invention as described above except for explicitly disclosing an accumulator arrangement mounted on the underside of the base. Andreen teaches an accumulator arrangement (21-23) mounted on the underside of a base of a cart. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus shown by Fujiwara with the accumulator arrangement of Andreen as a power source for the electric motors of Fujiwara (needed for operation).

[claim 3] Andreen further teaches a control arrangement (20) connected to the at least one electric motor and the accumulator arrangement is provided therein, which includes an operating device (19) proximate to the handle (4).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara in view of Andreen and further in view of Andes (U.S. Patent No. 6,443,252 B1).

[claim 8] Fujiwara in view of Andreen discloses all of the elements of the claimed invention as described above except for a joystick proximate the hand grip (4). Andes teaches an electric cart (10) including a hand grip (24) and a joystick (34) proximate the hand grip. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus shown by Fujiwara with the joystick and hand grip configuration as taught by Andes in order to provide the advantage of separate controls for manual and powered movement of the cart.

Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara in view of Andreen and further in view of Salmon (DE 100 10 852 A1).

[claim 9] Fujiwara in view of Andreen discloses all of the elements of the claimed invention as described above except for a docking rail. Salmon teaches (FIGS 3 and 10) a docking rail (transverse rail adjacent the operator stand) arranged in a marginal region of the base. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus shown by Fujiwara with the docking rail as taught by Salmon in

order to provide the advantage of connecting more than one cart together for increased efficiency as shown in FIG 10 of Salmon.

[**claim 10**] Fujiwara in view of Andreen discloses all of the elements of the claimed invention as described above except for a stand for an operator. Salmon teaches a cart including a stand for an operator. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus shown by Fujiwara with the operator stand of Salmon in order to provide the advantage of decreased operator fatigue.

[**claim 11**] Examiner notes that the integration of the stand into the base would have been obvious to one of ordinary skill in the art at the time the invention was made. Integrating the platform would result in a stronger and more durable base for the cart.

[**claim 12**] Salmon further teaches the stand including a standing platform having wheels (14) and being attachable to a base of the cart.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see attached form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAUGHN T. COOLMAN whose telephone number is (571)272-6014. The examiner can normally be reached on Monday thru Friday, 8am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P Ellis/
Supervisory Patent Examiner, Art Unit 3618

VAUGHN T COOLMAN
Examiner
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/V. T. C./
Examiner, Art Unit 3618